

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

FILED
U.S. BANKRUPTCY COURT

2004 JUL 23 AM11:17

NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

IN RE:

*

*

ADMINISTRATIVE ORDER NO. 04-04

*

PROCEDURE REGARDING MOTIONS

*

FOR RELIEF FROM STAY AND/OR

*

FOR ABANDONMENT

*

HONORABLE KAY WOODS

*

O R D E R

Dated at Youngstown, Ohio, this 23rd day of July, 2004.

This order sets forth the administration of motions for relief from stay and/or for abandonment ("motion" or "motions") filed in the United States Bankruptcy Court for the Northern District of Ohio, at Youngstown.

The following procedure applies in administering these motions filed on or after July 23, 2004, arising in Chapters 7, 11, 12 and 13 of Title 11:

1. The moving party must file and serve the motion with an appropriate Form 20A notice indicating the manner in which objections are to be filed and served and indicating the exact calendar date (month, day, year; not a generic number of days from receipt or service) by which objections are to be filed and served which is seven (7) days before the date set for hearing, which objection deadline shall be not less than twenty (20) days from mailing. Saturdays and Sundays are to be counted, but mailings may only be made on days the court is scheduled to be open. If a deadline falls on a Saturday,

Sunday or federal holiday then the deadline is extended to the next business day. A sample notice of motion (Form 20A) is attached as Exhibit A. A preliminary hearing date is to be reserved and noticed in the body of the 20A form. The available dates shall be obtained from the courtroom deputy.¹ These dates are available from the court's website and counsel are encouraged to use this source. Absent an objection and request for hearing, no hearing will be held and an order may be submitted by the moving party following the expiration of the objection period.

2. Any objecting party must file and serve its objection and request for hearing within the objection period described in paragraph 1. The objection shall state the specific grounds for the objection. This administrative order constitutes the court's authority pursuant to FED. R. BANKR. P. 4001(d)(2) for fixing the time in which objections may be filed and served.


3. The judge's courtroom deputy shall be present at preliminary hearings. Parties need not attend the preliminary hearing as it will function primarily to schedule the final hearing but if parties choose not to attend, they must call the courtroom deputy within two (2) business days before the preliminary hearing to advise the deputy of their absence and be told the date of the final hearing as the final hearing is announced at the preliminary hearing and no further written notice will be given.

¹The judge's courtroom deputy, Micki Janczewski, may be reached at (330) 746-7027 extension 4104.

Unless an expedited hearing is requested, this order constitutes the authority for the final hearing to be conducted beyond the thirty (30) day time period pursuant to 11 U.S.C. § 362 if the court's schedule so requires.

4. Any interested party may request in writing an expedited hearing from the court or may request in writing a formal preliminary hearing conducted before a bankruptcy judge.

IT IS SO ORDERED.



HONORABLE KAY WOODS
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	CASE NO. 04-49999
)	
JOHN DOE and)	CHAPTER ##
JANE DOE,)	
)	HONORABLE KAY WOODS
Debtors.)	

NOTICE OF MOTION FOR RELIEF FROM STAY [AND ABANDONMENT]

_____ has filed papers with the Court to [relief sought in motion]. The preliminary hearing on this matter, if any is required, is set for [date and time] at the United States Bankruptcy Court, 10 East Commerce Street, Youngstown, Ohio.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then on or before [exact calendar date], you or your attorney must:

File with the Court a written request for hearing and a written response setting forth the specific grounds for objection at:

Clerk of Court
United States Bankruptcy Court
10 East Commerce Street
Youngstown, Ohio 44503.

If you mail your request and response to the Court for filing, you must mail it early enough so the Court will **receive** it before the date stated above. The Court's mailing address is P.O. Box 147, Youngstown, Ohio 44501.

You must also mail a copy to:

[attorney for movant's name and address]

[names and addresses of others to be served].

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: _____

Signature: _____
Printed Name:
Address:
Phone Number: